

Staff Summary Report



Hearing Officer Hearing Date: July 17, 2007

Agenda Item Number: 12

SUBJECT: This is a public hearing for a request by the City of Tempe – Neighborhood Enhancement Department to abate public nuisance items located at the **INEZ RESIDENCE** located at 2431 East Wesleyan Drive.

DOCUMENT NAME: 20070717dssa04

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by the City of Tempe – Neighborhood Enhancement Division to abate public nuisance items in violation of the Tempe City Code for the **INEZ RESIDENCE (PL070264/ABT07019)** (Romulo Inez, property owner) Complaint No. CE065776 located at 2431 East Wesleyan Drive in the R1-6, Single Family Residential District.

PREPARED BY: Shawn Daffara, Planner II (480-858-2284)

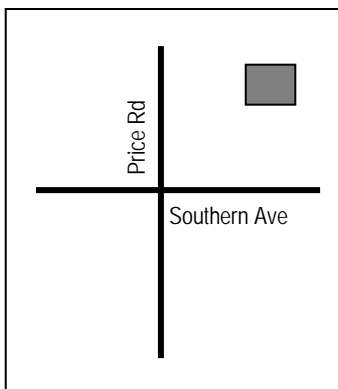
REVIEWED BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359) *SEA*

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval

ADDITIONAL INFO: The Neighborhood Enhancement Division is requesting approval to authorize the abatement of the **INEZ RESIDENCE** located at 2431 East Wesleyan Drive. The details of this case represent several months of correspondence for compliance with the property owner. Staff recommends the authorization of abatement of this property.



PAGES:

1. List of Attachments
2. Comments; History & Facts/Description

ATTACHMENTS:

1. Location Map(s)
2. Aerial Photo(s)
- 3-7. Neighborhood Enhancement Report
- 8-12. Staff Photographs

COMMENTS:

The Neighborhood Enhancement Division is seeking approval of a request to authorize the abatement of the **INEZ RESIDENCE** located at 2431 East Wesleyan Drive in the R1-6, Single Family Residential District. The details of this case represent several months of correspondence for compliance with the property owner. Refer to the attached memo and photos from Brett Barnes, Neighborhood Enhancement Inspector, for the history and facts on the enforcement of the property.

Staff recommends the authorization of abatement of this property.

HISTORY & FACTS:

See attached memo from the Neighborhood Enhancement Division.

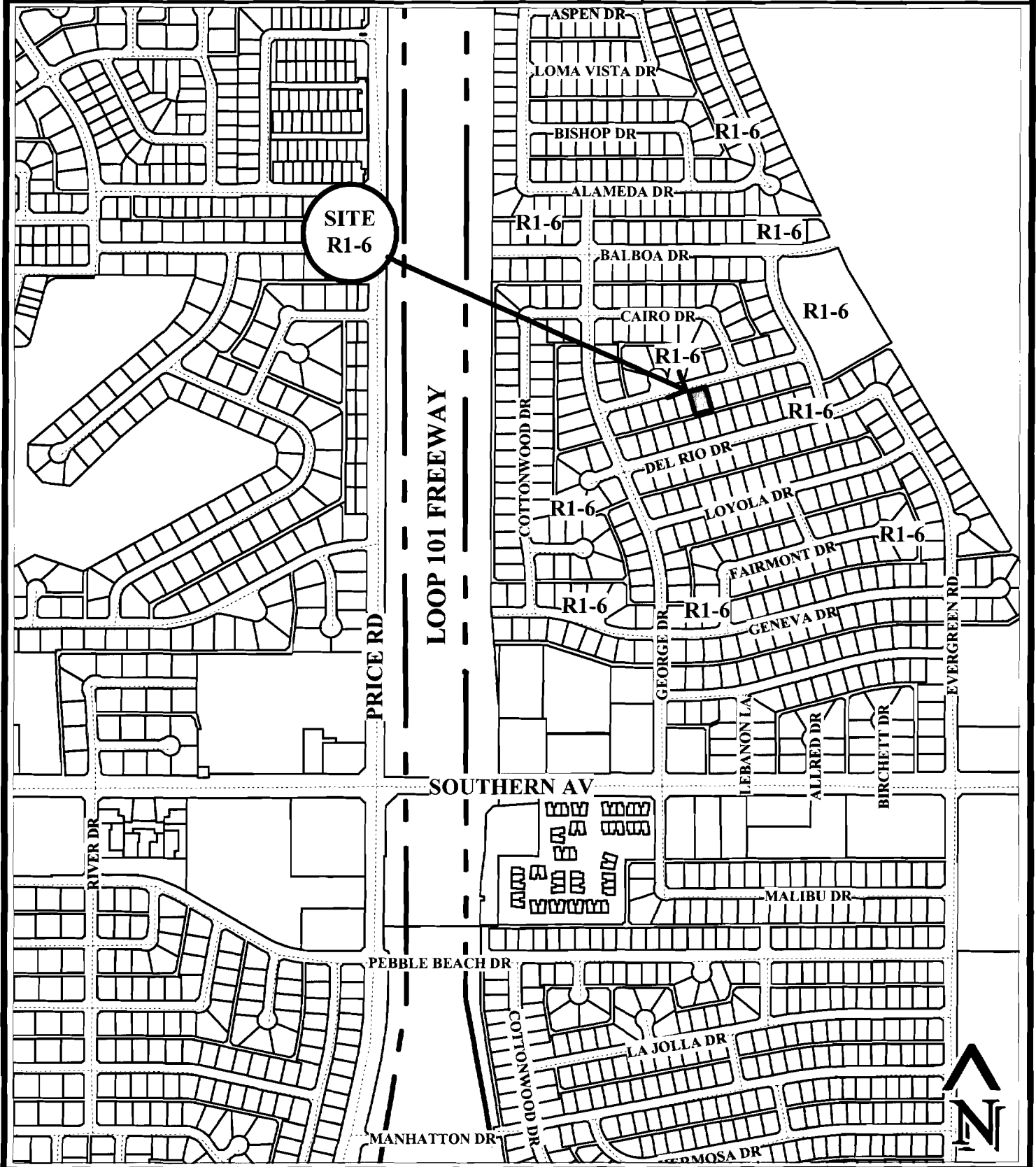
May 30, 1995	<u>CP951531</u> : Complaint about Lawn Parking at the property. Complaint Abated.
June 1, 1995	<u>CP951557</u> : Complaint about Lawn Parking at the property. Complaint Abated.
April 27, 1999	<u>CE991321</u> : Complaint about Lawn Parking and High Weeds. Complaint Abated.
May 8, 2003	<u>CE031942</u> : Complaint about Lawn Parking. Complaint Abated.
April 13, 2004	<u>CE041469</u> : Complaint about high grass and weeds, litter and debris, and lawn parking. Complaint Abated.
March 1, 2005	<u>CE051156</u> : Complaint about Inoperable vehicle, high grass and weeds, deteriorated pool. Complaints Abated.
September 26, 2006	<u>CE065776</u> : Complaint about Inoperable vehicles, high weeds and grass, junk and debris. Complaint in front of Hearing Officer to request an Abatement of the violations.

DESCRIPTION:

Owner – Romulo Inez
Applicant – Brett Barnes, COT Neighborhood Enhancement
Existing zoning – R1-6, Single Family Residential District
Lot Size – 8,799 s.f. / .20 acres
Building Size – 2,129 s.f.
Year Constructed - 1971

INEZ RESIDENCE

PL070264





INEZ RESIDENCE (PL070264/ABT07019)



City of Tempe
P. O. Box 5002
Tempe, AZ 85280
www.tempe.gov
(480) 350-8372
(480) 858-2231 (fax)

Code Compliance Division

NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: June 19, 2007

TO: Romulo C. Inez

This serves as notification of the City of Tempe's intentions regarding the abatement of code violations on the following described property:

LEGAL: Book 134, Map 41, Parcel 276, as recorded with the Maricopa County Assessor.

LOCATION: 2431 E. Wesleyan Drive Tempe AZ 85282

This office will submit this complaint to the Neighborhood Enhancement Abatement Hearing Officer to be placed on the Hearing Officer agenda of July 17, 2007. We are requesting Hearing Officer Authorization to abate this public nuisance in accordance with Section 21-53 of the Tempe City Code by removal and repair of: Those items constituting a violation of TCC 21-3-b-3 which prohibits any inoperable or unregistered vehicle, or parts thereof, outside of or under a roof area not enclosed by walls, doors or windows of any building on any lot. 21-3-b-8 which prohibits any landscaping, visible from public property, that is substantially dead, damaged, or characterized by uncontrolled growth, or presents a deteriorated or slum-like appearance. This includes any palm or similar type tree having dead or dry fronds descending downward from the base of the lowest living frond more than eight (8) feet or dry fronds longer than five (5) feet and closer than eight (8) feet to the ground.

As owner of the property, you have thirty (30) days after receipt of this letter to abate or correct the violations. If the violations have not been corrected within thirty days, our office will proceed with the abatement process. Upon receipt of the Hearing Officer approval to abate this public nuisance, the necessary work will be performed at the expense of the property owner. The cost of this work will be \$1,950.00. In addition to the actual cost of abatement, an administrative charge of fifteen (15) percent of the actual cost of abatement or three hundred (\$300) dollars, whichever is greater, for expenses incurred by the city for abatement procedures, and the cost of recording liens and releases will be charged. The recorded lien may bear interest at the legal rate for judgments in the State of Arizona. Administrative charges and the cost of recording liens and releases shall become a lien on the property whether or not the public nuisance is abated by the City. If you have questions regarding this matter, please contact our office at (480) 350-8372.

Code Enforcement Officer: Brett Barnes

Phone Number 480-350-8658

DATE: June 19, 2007
TO: Michael Spencer, Senior Code Inspector
FROM: Brett Barnes
SUBJECT: Request abatement of nuisance violations case CE065776

LOCATION: 2431 E. Wesleyan Drive Tempe, Az

LEGAL: Book 134, Map 41, Parcel 276, as recorded with the Maricopa County Assessor

OWNER/ Romulo C. Inez

OCCUPANT: 2431 E. Wesleyan Drive Tempe AZ 85282

FINDINGS:

- 10-26-06 A web complaint was received regarding an inoperable / unregistered vehicle, deteriorated landscape, and junk and debris in the front entry of the home.
- A courtesy notice was sent to Romulo Inez for having boxes and a water heater stored in the front entry of the home, and for having over height grass and weeds in the front yard landscape. The notice also included an inoperable / unregistered vehicle in the driveway, and over height grass and weeds in the backyard. He was given until 11/14/06 to bring the property into compliance. The courtesy notice was mailed as first class mail.
- 11-20-06 I reinspected the property and found the over height grass and weeds have been removed from the front yard landscape, and the water heater and boxes have been removed from the front entry. The inoperable / unregistered vehicle in the driveway and over height grass and weeds in the backyard has not been corrected. A second courtesy notice was sent to Romulo Inez for having an inoperable / unregistered vehicle, and deteriorated landscape in the backyard. He was given until 12/11/06 to bring the property into compliance. The notice was mailed as first class mail.
- 12-11-06 There has been no change since the last inspection. I'm sending out and posting a final courtesy notice to the property.

- 12-27-06 I reinspected the property and found the violations have not been corrected. Pictures were taken, and a first civil citation is to be issued for an inoperable / unregistered vehicle in the driveway, and for having deteriorated landscape in the backyard.
- 01-03-07 First civil citation was issued.
- 01-19-07 I reinspected the property and found the violations have not been corrected. Pictures were taken, and a second civil citation is to be issued for an inoperable / unregistered vehicle in the driveway, and for having deteriorated landscape in the backyard.
- 01-23-07 Second civil citation was issued.
- 02-13-07 I reinspected the property and found the violations have not been corrected. Pictures were taken, and a third civil citation is to be issued for an inoperable / unregistered vehicle in the driveway, and for having deteriorated landscape in the backyard.
- 02-14-07 Third civil citation was issued.
- 03-01-07 I reinspected the property and found the violations have not been corrected. The inoperable / unregistered vehicle was still parked in the driveway, and the backyard still has deteriorated landscape.
- 05-03-07 I received an estimate from Bishop Inc. for the abatement of the nuisance violations at the property of 2431 E. Wesleyan Drive within the City of Tempe.
- 06-19-07 The nuisance violations on the property have not been corrected and the property is not in compliance. The property owner Romulo C. Inez has failed to appear in court for all three civil citations issued.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violations be done at the property of 2431 E. Wesleyan Drive. Romulo C. Inez has failed to bring the property into compliance after being issued several courtesy notices and several civil citations.

Respectfully submitted,

Brett Barnes
Code Inspector

ACTION TAKEN: submit for Abatement

NAME



DATE:

6-19-07

Bishop Inc.

6340 S. Rural Rd. #118-217

Tempe AZ 85283

PH: (602) 339-2082 Fax (480) 413-1691

#7486

Proposal

Name: City of Tempe
Address: P.O. Box 5002
City: Tempe, Az. 85281
Attn: Code Compliance Dept.

Date	4/15/2007
Order #	
Customer #	Brett
Our Order #	

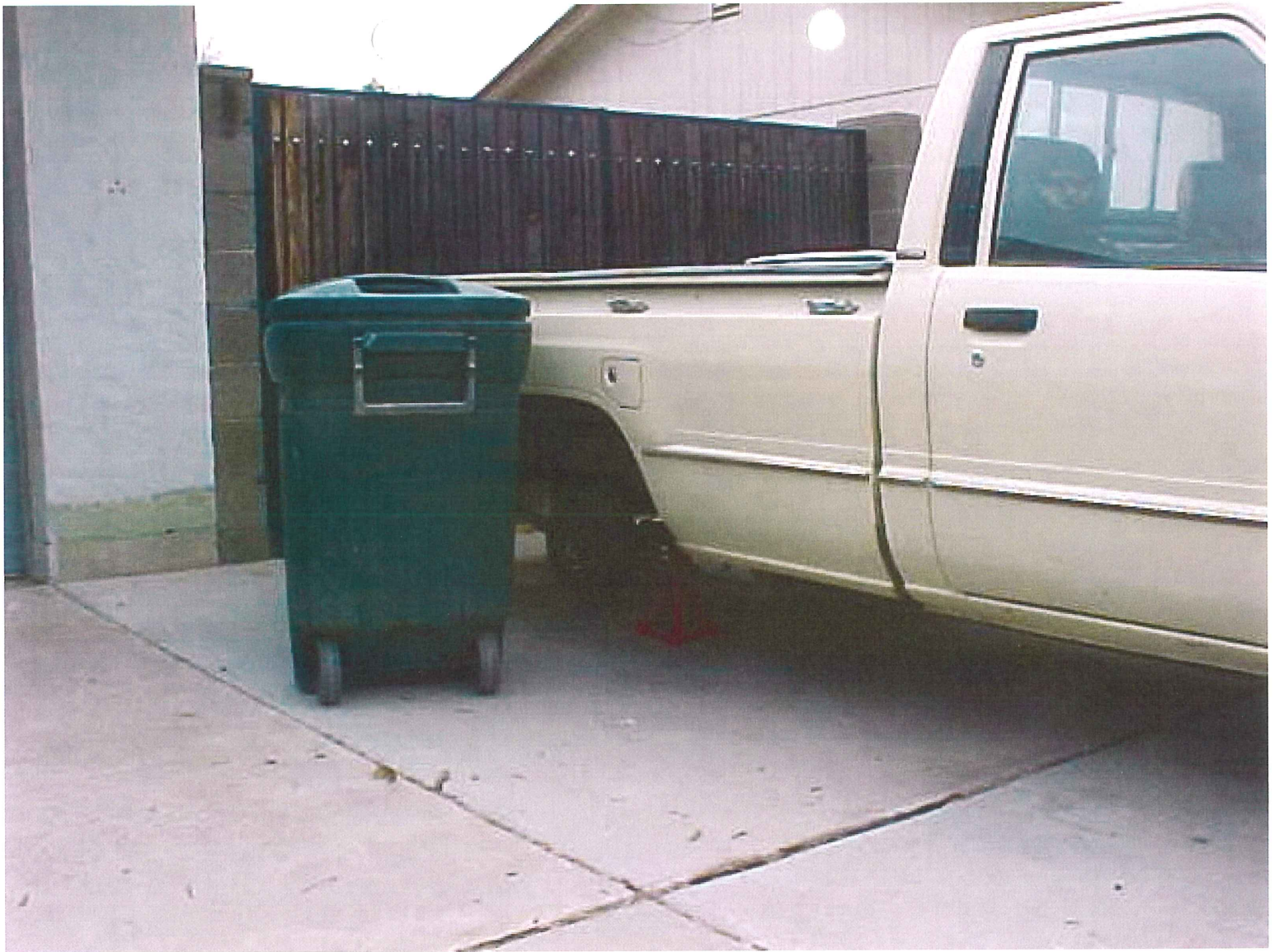
Qty	Description
	<p>Work done at: 2431 E. Wesleyan Drive</p> <p>Scope of work:</p> <ol style="list-style-type: none"> 1 Clean-up trash & debris, non-working and/ or non-repairable items as directed by the Code of Compliance department personal 2 cut down tall weeds and clean up trash and debris 3 Area includes front, sides, and backyard 4 Towing of 1 vehicle in front yard <p>Off duty police officer to be on site -During abatement.</p> <p>Price includes all labor, material, and dump fees</p> <p>Contract # T05-102-01</p>

Unit Price	Total

Recd. By: _____

Total: \$1,950.00

Date: _____



ATTACHMENT 8







